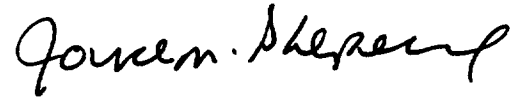


AN ORDINANCE  
BY COUNCILMEMBER JOYCE SHEPHERD



AN ORDINANCE TO AMEND ORDINANCE  
04-O-0649, ESTABLISHING THE "Highbury  
Court Apartments Housing  
Enterprise Zone" BY ESTABLISHING A  
NEW EFFECTIVE DATE; AND FOR OTHER  
PURPOSES.

**WHEREAS**, by local constitutional amendment, approved by referendum in November 1982, the City of Atlanta and Fulton County were authorized to create urban enterprise zones; and

**WHEREAS**, the City of Atlanta/Fulton County Urban Enterprise Zone Act was authorized by the Georgia General Assembly in 1983 (1983 GA. LAWS p. 4097, *et seq.*), and has subsequently been amended from time to time (particularly 1988 GA. LAWS p. 4164, *et seq.* and 1998 GA. LAWS p. 4493, *et seq.*); and

**WHEREAS**, the purpose of the City of Atlanta's Urban Enterprise Zone Program is to encourage private development and redevelopment in areas of the City or on sites which otherwise would be unlikely to be developed due to the existence of certain characteristics of the area or site; and

**WHEREAS**, owners of certain types of property may receive abatements of ad valorem taxes on new development, rehabilitation, and certain inventories over the life of the Urban Enterprise Zone designation, provided that certain conditions are met; and

**WHEREAS**, the Highbury Court Apartments Housing Enterprise Zone was so designated by the City of Atlanta by Ordinance 04-O-0649, adopted by the City Council on December 6, 2004 and approved by the Mayor on December 10, 2004, to become effective on January 1, 2004 and to expire on December 31, 2013; and

**WHEREAS**, the development will consist of 128 apartment units 100% of which will be affordable for moderate-income residents, exceeding the requirements of the City's urban enterprise zone ordinance; and

**WHEREAS**, pursuant to 1999 GA. LAWS p. 3709 (H.B. 483), the City of Atlanta Urban Enterprise Zone Act was amended to permit the City Council to change the effective date of creation for an existing enterprise zone if that zone has remained undeveloped as a result of unanticipated development impediments; and

**WHEREAS**, Capitol Development Group, LLC, the Owner of the Highbury Court Apartments, located at 50 Mount Zion Road, S.E., Atlanta, has formally requested that the

effective date of the Highbury Court Apartments Housing Enterprise Zone be changed until such time as a final certificate of occupancy is issued; and

**WHEREAS**, the Highbury Court Apartments Housing Enterprise Zone has encountered unanticipated development impediments including incorrect tax parcel data in Fulton County records and a general contractor that went bankrupt; and

**WHEREAS**, in the determination of the City Council, a reasonable basis exists upon which to change the effective date of creation for this existing enterprise zone.

**THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS  
AS FOLLOWS:**

**SECTION ONE:** That the Highbury Court Apartments Housing Enterprise Zone designated by the City of Atlanta by Ordinance 04-O-0649, adopted by the City Council on December 6, 2004 and approved by the Mayor on December 10, 2004, be amended by this Ordinance.

**SECTION TWO:** That in accordance with Georgia law and because the zone has remained undeveloped as a result of unanticipated development impediments, the effective date of all exemptions for the Highbury Court Apartments Enterprise Zone shall be January 1<sup>st</sup> of the year in which the final certificate of occupancy is issued by the City of Atlanta. The Highbury Court Apartments Housing Enterprise Zone shall be abolished exactly 10 years after the effective date. The Highbury Court Apartments Housing Enterprise Zone shall otherwise not be abolished except as provided in Georgia law.

**SECTION THREE:** That immediately upon its approval by the Mayor, the Municipal Clerk is hereby directed to transmit copies of this Ordinance to the Fulton County Tax Commissioner, to the Commissioner of the Georgia Department of Community Affairs, and to the Superintendent of the Atlanta Public Schools.

**SECTION FOUR:** That to the extent the provisions of Ordinance 04-O-0649, or any other ordinances are in conflict herewith, this ordinance shall control for this instance only.